GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:269
ANSWERED ON:01.12.2015
Undertrials Languishing in Jails
Singh Shri Ravneet

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government is aware that many undertrials are languishing in Indian Jails due to their inability to furnish bail bonds;

(b) if so, the number of undertrials currently in jails in different States due to their inability to furnish bail bonds, Statewise;

(c) whether poverty can be a ground for keeping in custody an accused who is unable to furnish bail bond; and

(d) the corrective steps taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a)to(d): "Prisons" is a State subject as per Entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons is primarily the responsibility of the State Governments. Data is not maintained centrally in this regard. However, the Government of India has issued a comprehensive advisory on 17th July 2009 to the States/UTs on "Prison Administration", which provides for steps to be taken by the States/UTs for providing free legal aid to undertrials, setting up of Lok Adalats/Special courts in prisons for expediting review of cases of undertrials. The same may be downloaded from the website of the Ministry of Home Affairs at the following links:

mha1.nic.in/PrisonReforms/pdf/PrisonAdmin17072009.pdf
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In addition, an advisory has been issued by the Government of India on 17.1.2013 to the States/UTs regarding use of section 436A of the Cr P.C. to reduce the overcrowding of prisons which provides for release of undertrials who have completed one half of likely sentence and for old and indigent prisoners to be released on bail instead of personal bond with or without sureties. The same can also be accessed on the website of the Ministry of Home Affairs at the link:

mha1.nic.in/PrisonReforms/pdf/AdvSec436APrisons-060213_0.pdf

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